

HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

THE ESTATE OF JESSIE BOOTH, by and
through STACY BOWEN, personal
representative; J.B. a minor individual by and
through his next friend and guardian, Stacy
Bowen; STACY BOWEN, an individual,

Plaintiffs,

v.

CLARK COUNTY, a municipal corporation;
GRANT HAGEN, an individual; AUSTIN
CLOYD, an individual; JENNIFER BIVER, an
individual; DEO SHARAN, an individual;
EMRAH REBIHIC, an individual; ROBERT
KARCHER, an individual; ALEXANDER
CRUSE, an individual; CHRIS HOLMQUIST,
an individual; DEBORA SCHMIERER, an
individual; NAPHCARE, INC., an Alabama
corporation; and AMANDA BIVER, an
individual,

Defendants.

No. 3:24-cv-05123-DGE

ORDER GRANTING UNOPPOSED
MOTION FOR APPOINTMENT OF
SETTLEMENT GUARDIAN AD LITEM

NOTED: December 18, 2024

THIS MATTER came on regularly for hearing on Plaintiff's Unopposed Motion to have
Bruce A. Wolf appointed as the Settlement Guardian Ad Litem on behalf of Plaintiff J.B., a minor.
The Court has reviewed the files and records in this case, the Unopposed Motion for Appointment
of Settlement Guardian Ad Litem and the Declarations of Bruce A. Wolf and Stacy Bowen. The
Court has reviewed the responses of the defendants, if any, as well as any reply of plaintiffs.

ORDER GRANTING UNOPPOSED MOTION FOR
APPOINTMENT OF SETTLEMENT GUARDIAN AD LITEM - 1

No. 3:24-cv-05123-DGE

Now therefore, **IT IS HEREBY ORDERED:**

1. Bruce A Wolf is a suitable disinterested person having the requisite knowledge, training, and expertise to perform the duties required by Local Court Rule 17, and is hereby appointed to represent the interests of Jessie Booth's child, J.B., as the Settlement Guardian Ad Litem (SGAL).
2. SGAL Bruce A. Wolf shall represent the child, J.B., for purposes of settlement negotiations and mediation pursuant to LR 39.1 and for any and all other purposes as may be contemplated by CR 17(c) of the Local Rules of the Western District of Washington.
3. SGAL Bruce A. Wolf shall be paid at a flat fee of \$5,000.00.
4. SGAL Bruce A. Wolf shall have the following duties:
 - a. To investigate and evaluate the adequacy of any offered settlement in light of the needs and best interests of Jesse Booth's child, J.B.
 - b. To review written or oral reports from the attorneys and guardians necessary to permit and complete a report as required by Local Court Rule 17.
 - c. To provide the Court and the parties with a report, which shall include a description, in depth appropriate to the magnitude of injuries and the amount offered, and the following information.
 - i. Summary: State the amount of the settlement that you are recommending and how the net proceeds will be distributed. Include the name, phone number, and address of each living parent or legal guardian and another relative.

1 ii. Appointment: State your name, bar license number, date of appointment,
2 and the date that you started working on this matter. Give a brief
3 statement of your experience and qualifications as they pertain to
4 serving as a SGAL or attach a curriculum vitae with this information.
5 Describe your relationship, if any, with all involved parents, guardians,
6 insurers, or attorneys.
7

8 iii. Investigation: Describe the investigation you conducted, the persons
9 interviewed, and the documents you reviewed.

10 iv. Description of incident and cause of action: Describe the incident and the
11 affected minors' legal claims.

12 v. Injuries and losses: Describe the injuries, diagnoses, or losses incurred by
13 the subject matter of the incident.
14

15 vi. Damages: Describe the special and general damages that are potentially
16 recoverable.

17 vii. Liability issues: Describe the factors bearing on each potential defendant
18 person or entities liability, including issues of primary negligence,
19 contributory or comparative negligence, causation, and probable chance
20 of recovery.
21

22 viii. Insurance assets available to satisfy claim: State the nature and extent of
23 all insurance coverage or assets available to satisfy the claim, whether
24 maintained through the Counterclaim Defendant, family, or
25 governmental entities.
26
27

ix. Liens and subrogation: Identify all liens, subrogation, and reimbursement claims. Make a recommendation regarding how those claims are to be resolved, including a recommendation regarding retention in any attorney's trust account of the full amount claimed until the final resolution of the claim.

x. Other claims: Identity all other claims arising out of the same occurrence. State whether another person has a claim arising out of the same occurrence and whether any other person is, or could be, a plaintiff or defendant in any action based upon the minors' claims or the occurrences from which they arose.

xi. Apportionment: Indicate the amount, basis, and justification for allocating the gross settlement to be paid among the various claimants. State whether the minor was independently represented at the time the proposed apportionment was determined.

xii. Proposed settlement: Discuss and evaluate the reasonableness of the proposed settlement amount, stating the basis for your valuation of the claim. Also discuss the form the settlement might take (*e.g.*, locked account, guardianship, structured settlement, or trust) and the proposed settlement documents.

xiii. Expenses and fees: Discuss and evaluate the reasonableness of the attorney's fees requested, costs to be reimbursed, and any other deductions from the proceeds of the claim.

1 xiv. Disposition of net proceeds: Set forth your calculation of the net proceeds
2 of the claim. Give your reasons and recommendations regarding as to
3 how the funds should be placed. If legal guardianship is required, state
4 the nominee and terms you recommend. If you recommend a structured
5 settlement, state why that option is preferred; the specific payout
6 schedule recommended and how it relates to the specific needs of the
7 minor; and a statement including the cost of the structured portion,
8 interest rate received, the name and financial rating of the company
9 providing the annuity. If you or any party recommend the creation of a
10 trust as the recipient of the funds, give your recommendation as to the
11 special needs of the minor and how they would be served by having a
12 trust; specific provisions that ought to be included or omitted from the
13 trust; and your nomination of a professional to draft the trust and a
14 recommended fee therefore.
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17 xv. Presence at hearing: State whether the minors or the SGAL or other
18 persons should be present at any hearing to approve any settlement.
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20 xvi. Approval in other jurisdictions: State whether any settlement will be
21 submitted for approval in any other court or jurisdiction.
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23 xvii. Conclusion: Give your recommendation as to the adequacy of the
24 offered settlement and the steps to be followed if you recommend the
25 settlement not be approved.
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27 d. To file a report with the Court within thirty (30) days after any settlement is
 reached and a CR2A has been signed.

1 e. To accomplish all other duties required by law and any order of the Court.


2 5. The cost of bringing this proceeding and the SGAL's fee will be paid as approved as a
3 part of any settlement. In the event settlement is not reached, the SGAL's fees shall
4 promptly be paid upon receipt of the SGAL's invoice, one-half by Plaintiffs and one-
5 half by Defendants (in equal shares).
6

7 6. The SGAL shall not employ or retain counsel or experts to assist in these duties except
8 as authorized in advance by the Court and shall promptly advise the Court if others
9 have retained such a person without Court authorization, including, but not limited to,
10 the retention of counsel to initiate litigation or draft a trust.

11 7. The SGAL may seek instruction from the Court upon application and notice to all
12 parties. If records or portions of the report contain confidential information which may
13 adversely affect the settlement of trial of the claim, the SGAL shall seek direction from
14 the Court.
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17 **IT IS SO ORDERED.**

18 DATED this 20th day of December 2024.
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23 David G. Estudillo
24 United States District Judge
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